nant for title by one having neither possession of, nor title to, the land conveyed is a personal covenant and will not run with the land. *Martin* v. *Gordon,* 24 Ga. 533; *Randolph* v. *Kinney,* 3 Rand. (Va.) 394; *Mygatt* v. *Coe,* 124 N. Y. 212, 142 N. Y. 78, 147 N. Y. 456, 152 N. Y. 457; *Pyle* v. *Gross,* 92 Md. 132; *Bull* v. *Beiseker,* 16 N. D. 290; *Wallace* v. *Pereles,* 109 Wis. 316. Contra are *Solberg* v. *Robinson,* 34 So. Dak. 55; *Wead* v. *Larkin,* 54 Ill. 489; and *Tellotson* v. *Prichard,* 60 Vt. 94. In the later two cases the grantees went into possession, and they might be distinguished on this point. Other courts achieve the same result on the theory that the broken covenant ripens into a chose in action in favor of the covenantee which would pass by assignment with the land to remote grantees. *Kimball* v. *Bryant,* 25 Minn. 496; *Iowa Loan & Trust Co.* v. *Fullen,* 114 Mo. App. 633.

DAMAGES—FOR MENTAL SUFFERING ALONE.—Plaintiff delivered to defendant company for transportation from Asheville, N. C., to Hickory Grove, S. C., a casket and grave-clothes intended for the burial of the wife of plaintiff. Through the negligence of defendant's agent, the casket was misrouted, and arrived too late to be used for the burial. Plaintiff accepted full payment for the value of the articles shipped, and brought this action claiming damages solely on account of the mental anguish occasioned him by the delay. *Held,* that no recovery should be allowed; mere mental pain and anxiety being too vague for legal redress where no injury is done to person, property, health or reputation. *Southern Express Co.* v. *Byers,* 36 Sup. Ct. 410.

This decision of the Supreme Court follows the view taken by the lower Federal courts in a long list of cases cited in the opinion. Thus the doctrine announced by the Supreme Court of Texas in 1881 in the case of *So Relle* v. *Western Union Tel. Co.,* 55 Tex. 308, is definitely rejected by the United States Courts. The question of whether recovery may be had for mental suffering alone has usually arisen in cases against telegraph companies on account of delayed or lost death-messages. The same reasoning which allows recovery in those cases would seem equally applicable, however, to a common carrier of goods who accepts the goods with notice of their character, so that the knowledge that mental suffering may follow from their delay may be imputed to it. For a time the doctrine of the Texas case gained adherents rapidly, and seven states are now lined up on that side of the question. As against this number, however, fifteen states, and now the Supreme Court of the United States, have taken the opposite view. A recent case which reviews many of the cases on the question is that of *Western U. Tel. Co.* v. *Choteau,* 28 Okla. 664, 115 Pac. 879, 49 L. R. A. (N. S.) 206, cited in the opinion in the principal case. For further discussion and authority as to damages for mental suffering see MICH. LAW REV., Vol. 2, pp. 150, 421, 641, 642; Vol. 3, pp. 74, 399; Vol. 4, p. 244; Vol. 5, pp. 208, 382; Vol. 6, pp. 341, 503, 592; Vol. 7, p. 673; Vol. 10, p. 328; Vol. 12, p. 149.

DEEDS—REMEDY FOR VIOLATION OF RESTRAINT ON ALIENATION.—A conveyed property to B with the condition that B should not alienate the property during A's lifetime. B disposed of the property before A's death. After B's death, the heirs at law of B sought to obtain a cancellation of the deed exe-